

PAM BASSEL STANDING CHAPTER 13 TRUSTEE

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

CASE NO.: 20-43914-MXM -13

CARROLL JAMES LEBOUF III
2130 SHORELINE DR
FLOWER MOUND, TX 75022
SSN/TIN: XXX-XX-5878

CHALLIS LEE LEBOUF
2130 SHORELINE DR
FLOWER MOUND, TX 75022
SSN/TIN: XXX-XX-3862

DEBTORS

HEARING: APRIL 15, 2021 AT 8:30 AM

TRUSTEE'S OBJECTION TO CONFIRMATION

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

NOW COMES Pam Bassel Standing Chapter 13 Trustee and files this Trustee's Objection to Confirmation. Trustee would respectfully show the Court:

The Plan fails to meet the feasibility test of 11 U.S.C. Section 1325 (a) (6). Debtors' Plan provides for the following plan payments:

TO THE TRUSTEE THE SUM OF \$500.00 FOR THE FIRST MONTH; \$2,300.00 FOR THE NEXT MONTH;
\$4,225.00 PER MONTH FOR THE FINAL 58 MONTHS FOR A TOTAL OF \$247,850.00 IN 60 MONTHS.

Debtors' monthly surplus per Schedules I and J is \$-3,227.76. The Plan also is not feasible for the following reason(s) if any:

The Plan Base proposed by Debtors of \$247,850.00 is insufficient to pay administrative, secured and priority claims, or to pay the unsecured creditors' pool.

Debtors failed to meet the requirements of 11 U.S.C. Section 1325(a)(9) because Debtors have not filed all applicable federal, state, and local tax returns as required by Section 1308. As of the 341 Meeting of Creditors, the return(s) for the following tax year(s) had not been filed: 2018.

Debtors failed to meet the requirements of 11 U.S.C. Section 1325(a)(1) because Debtors have not provided Trustee the most recent federal income tax return as required by Section 521(e). As of the 341 Meeting of Creditors, the tax return(s) for the following tax year(s) had not been provided to the Trustee: 2019 .

The Plan does not meet the requirements of the best interests of creditors test of 11 U.S. C. Section 1325(a) (4). Debtors have equity in non-exempt property as follows:

2171 & 2129 SHORELINE DR (RENTAL PROPERTIES) \$61,420.91
8 VEHICLES \$24,850
CAR HAULER \$2500
24' UTILITY TRAILER \$2500
3 BOATS \$19,200
6 ATVS \$12,500
BUSINESS CHECKING ACCOUNT \$7.52
3 SHOTGUNS \$1000
PISTOL 45 ACP \$300

The total equity in non-exempt property is approximately \$ 124,278.43 but the Plan provides for equity in non-exempt property of only \$122,978.43.

WHEREFORE, Trustee prays confirmation be DENIED and for general relief.

Respectfully submitted,

By: /s/ Ethan S. Cartwright
Ethan S. Cartwright, Staff Attorney
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on or before the date of filing. Service was accomplished electronically on Debtors' attorney and all parties entitled to electronic notice and by first class mail on the Debtors and the parties listed below, if any.

By: /s/ Ethan S. Cartwright
Ethan S. Cartwright

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